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Secrecy, coercion and deception in research on 'terrorism' and 'extremism'

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ABSTRACT

This article calls for more understanding of the ethical challenges and dilemmas that arise as a result of state involvement in academic research on 'terrorism' and 'extremism'. It suggests that researchers and research institutions need to be more attentive to the possibilities of co-option, compromise, conflict of interests and other ethical issues. The paper empirically examines the relationship between academic researchers and the security state. It highlights three key ways in which ethical and professional standards in social scientific research can be compromised: (1) Interference with the evidence base (through a lack of transparency on data and conflicts of interest); (2) Collaboration on research supporting deception by the state which undermines the ability of citizens to participate in democratic processes; and (3) Collaboration on research legitimating human rights abuses, and other coercive state practices. These issues are widespread, but neglected, across: literature on 'terrorism' and 'extremism'; literature on research ethics; and, in practical ethical safeguards and procedures within research institutions. In order to address these issues more effectively, we propose that any assessment of research ethics must consider the broader power relations that shape knowledge production as well as the societal impact of research. In focusing on the centrality of states – the most powerful actors in the field of 'terrorism' and 'extremism' – our approach moves beyond the rather narrow procedural approaches that currently predominate. We argue more attention to the power of the state in research ethics will not only help to make visible, and combat, ethically problematic issues, but will also help to protect the evidence base from contamination. We conclude by proposing a series of practical measures to address the problems highlighted.

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Research ethics; terrorism; secret research; academic freedom; studying up; the public university

Introduction

The current focus in ethical discourse is mostly on protecting research subjects from potential harm arising directly from participation in research (Hammersley & Traianou, 2012). Researching conflict and 'terrorism' poses particular challenges around accessing research subjects and meeting standard requirements for informed consent. But there are also distinct and broader ethical questions that arise around potential harm to research

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subjects, and indeed to other actors, including researchers themselves. Fieldwork may pose considerable risks to researchers, both physical and psychological, whilst the politically sensitive nature of research may also carry reputational and professional risks. Harm to research subjects, meanwhile, may arise not only from the research process itself, but more broadly and more significantly from powerful actors – often parties to the conflicts under investigation – seeking to access, make use of, or influence/manipulate either research findings, or how research is received, understood and used. The former aspects bring particular challenges when it comes to confidentiality and the security of data, whilst the latter requires that the societal impact of research be carefully considered. In either case, an understanding of social power, and the power of the state in particular, is crucial. The power of corporations is, of course, also of relevance in such discussions (Alvesalo-Kuusi & Whyte, 2018), although it is not the focus of this article.

The state can use legislation, judicial proceedings and executive powers to undermine confidentiality by forcing disclosure. It is, moreover, often able to control and influence the production of social scientific knowledge in its interests. It can do this by funding, directing and influencing research, and by restricting access to certain types of information by blocking or interfering with publication through secrecy, censorship and direct intimidation of researchers, or those that would report or distribute research findings. Such interventions potentially undermine the rigour of academic research and the integrity of social scientific knowledge.

In this article, we focus on the ethical questions that arise as a result of state intervention in social scientific research on ‘terrorism’ and political violence. We examine social science and not, for example, STEM subjects since most research on ‘terrorism’ takes place in the former. We look at empirical examples of existing academic and security collaborations to demonstrate that social power (of the state), academic freedom and knowledge production processes are key to understanding the ethics of research in practice.

We argue that social scientists have a professional responsibility to protect the integrity of scientific knowledge, as well as having public responsibilities to the wider societies of which they are part. Our approach is informed by Michael Burawoy’s (2011) ‘Public University’ model, since it allows us to situate academic research in relation to broader social forces and interests. This offers a conception of social scientific research that emphasises the great importance of both professional standards and academic freedom, whilst offering a conceptual framework able to socially situate academic practices in relation to wider interests in society. Drawing on this model helps to undergird the call that we make for a significant revision of current ethical policies, guidelines and enforcement mechanisms so as to better protect vulnerable research subjects; make unethical research (which we argue is widespread) more visible, with the intent that it be managed down; and provide greater protections to researchers from interests that may attempt to smear, inhibit, constrain or undermine independent research. We conclude with proposals for a series of practical measures. We begin first with an examination of the legal context in which research on political violence takes place in the US and UK.

Censorship and coercion

Linda Fuller (1988) writes extensively on the ways in which the US state has created ‘forbidden research terrains’. She recounts the role of the CIA in restricting research in Cuba as

part of the US state's strategy for isolating the country. Researchers returning from Cuba could be subject to surveillance or harassment, and even have publications confiscated by US customs (Fuller, 1988, p. 104). As Fuller (1988) and others (Lee, 1993; Tombs & Whyte, 2003; Warren & Staples, 1989) have noted, such restrictions present difficulties for researchers seeking to interrogate the claims of state officials and other powerful actors, who may find themselves unable to carry out research with sufficient methodological rigour, reinforcing the accounts of those who govern access. As a result, the overall quality of social scientific knowledge suffers, since this leads not only to gaps in knowledge, but also to 'unknown, unknowns', which together make it difficult to make informed professional judgements in the affected fields.

The British state has developed a number of techniques to control information in its own interests that potentially impact on the quality of social science. A significant piece of legislation here is the Official Secrets Act 1911 (amended 1920, 1939 and 1989), which was enacted to prevent individuals (e.g. civil servants, journalists, researchers) from disclosing or disseminating material about government agencies. The 1989 Act makes it an offence for individuals to disclose certain classes of information received from security and intelligence services, government contractors and civil servants. The Act has particularly serious implications for academic researchers working with state officials, as is sometimes the case in policy orientated 'terrorism' research. We illustrate below that in the case of the Centre for Research and Evidence on Security Threats – an ESRC-administered research centre at the University of Lancaster, funded by intelligence and security agencies – research funding contracts state that academics must be prepared to sign the Official Secrets Act 1989. It should be noted that the law does not require one to sign the act to be bound by it. There are certain classes of information that are legally defined as Official Secrets. Nevertheless, signing the Official Secrets Act can offer proof that the individual is aware of the secretive status of the information.

Whilst in some circumstances respecting state secrecy may be ethically proper, it is not difficult to envisage scenarios in which it may conflict with a researcher's responsibility to society. If a researcher witnesses a miscarriage of justice or a crime, they are ethically (and often legally) compelled to report it – and state crime is no exception. Yet if the researcher in question has signed the Official Secrets Act, they would be breaking the law if they were to disclose, for example, alleged or actual abuses carried out by the security services. Most researchers enter some form of confidentiality agreement when conducting research with human subjects, and this often covers state actors participating in research. These confidentiality agreements, however, can be broken within the bounds of the law in exceptional circumstances. In fact, the law is relatively clear that it is a legal obligation for researchers to break confidentiality if a participant discloses that they have or are about to commit a crime (Wiles, Crow, Heath, & Charles, 2008, p. 419). There are also a set of moral and ethical considerations a researcher must make if they are faced with a 'heinous discovery'. While this has been debated widely with respect to moral obligations faced by researchers in relation to child abuse, there is little discussion about the potential issues arising in uncovering crimes of the powerful. In the case of child abuse, practitioner guidelines related to 'duty of care' principles can act as a professional and ethical standard, particularly in the case of practitioner researchers (Wiles et al., 2008, p. 419). But it is important to consider the different ethical and political judgments that come into play when a researcher is 'studying up' (Nader, 1969; Williams, 1989). Protecting the privacy of civilians,

political activists and other non-state actors is different to protecting public figures and state officials. Social scientists have, in part, a responsibility to hold officials to account, and legislation like the Official Secrets Act runs against this ethical duty and could place a researcher in conflict with their own personal safety and security or with their responsibility towards society. Lee-Treweek and Linkogle (2000) identify four types of danger that researchers may encounter – physical, emotional, ethical and professional. The Official Secrets Act risks all these dangers for researchers. Academics should not be placed in this morally and professionally compromised position. Nor should we understate the emotional and psychological pressure of carrying state secrets. It is also worth noting that the application of the Official Secrets Act to academic research arguably runs counter not only to ethical obligations, but also certain legal rights and duties. Article 10 of the Human Rights Act 1998, for example, protects ‘the freedom to hold opinions and to receive and impart information and ideas’. Although there are limitations to the application of the article, such restrictions need to demonstrate a pressing social need (Feenan, 2002).

At the other end of the spectrum is forced disclosure. Under UK legislation there are penalties for failing to disclose information about offences to the police and law enforcement agencies, and judicial bodies can intervene to force disclosure. Such legislation includes provisions within anti-terrorism legislation. Dermot Feenan (2002) traces the government legislation and case law in UK and US which allows research to be confiscated, subpoenaed or kept secret. In the US, subpoenas have targeted research related to a variety of criminal activities (Leo, 1995). Scarce (1995), for example, was jailed for refusing to obey a court order to release information about his participants in research on environmental activism. A notable recent example is the case of the Boston College Tapes in which two interview transcripts from an oral history with former Irish republican paramilitaries were subpoenaed and passed on to the Police Service of Northern Ireland (PSNI) (See Breen-Smyth, this issue).

A researcher’s responsibility to protect their participants from harm is a core ethical principle of social scientific research. In the context of researching political violence, research material about participants can have serious consequences if they end up in the hands of certain state institutions. For example, the home of one of Jeffrey Sluka’s participants in Belfast was searched by the British Army shortly after an interview had taken place (Sluka, 1990), whilst a more tragic example is the murder of a political activist in Peritore’s (1990) study on clandestine left groups in Mexico. Researchers have gone to great lengths to keep the identities of participants concealed, or to keep data safe (Feenan, 2002; Peritore, 1990; Sluka, 1990). One strategy is disutilisation, which involves various forms of self-censorship to avoid the misuse of research. Phillip Bourgois (1990), for example, considered delaying the publication of his findings on peasant politicisation in El Salvador for fear that the CIA would use them for ‘practical counterinsurgency’. Such self-censorship may be justified, and even necessary, to protect the reputations, livelihoods and personal safety of participants, but it does entail a loss to scientific knowledge and therefore to society (Adler & Adler, 1993, p. 262). The coercive state powers that make such strategies necessary, therefore, should be subject to examination and critique.

Forced disclosure raises a number of ethical questions for ‘terrorism’ research. It undermines the true role of the researcher ‘to observe, to understand and to explain, perhaps as a basis of problem-solving’ (Schwartz, 1976 cited by Feenan, 2002), essentially coercing

researchers into cooperation or complicity with law enforcement. With respect to the issue of informed consent, it sharpens the question of how researchers should outline the possibility that their research could be subject to court orders, subpoenas and other forms of forced disclosure when recruiting participants, as is recommended in the ESRC (2015a) and BSA (2017) guidelines. Doing so will create great difficulties in gaining access to participants, meaning that the development of social scientific knowledge about areas of considerable public importance will be inhibited.

Draconian counter-terrorism legislation can, moreover, pose particular challenges for researchers. In the UK, the Counter Terrorism and Security Act 2015 requires universities to pay 'due regard' to prevent people 'being drawn into terrorism'. This statutory duty has meant that universities have introduced a range of new measures to monitor research that may involve accessing materials relating to 'terrorism' and political violence. The Prevent duty guidance for higher education states that 'we would expect to see clear policies and procedures for students and staff working on sensitive or extremism-related research'. Following this guidance, the University of Bath, for example, introduced a new register for academics researching materials or content that may 'support terrorism'. This monitoring procedure, apparently there to protect staff, has ethical implications. The register is sharable with law enforcement agencies, therefore meaning that any academics listed on this register could not guarantee to honour any confidentiality agreements they make with their research subjects. Some academic staff at the University of Bath raised concerns about this new measure, in particular given the fact that 'supporting terrorism' was not clearly defined with the risk of misapplication. Moreover, the Terrorism Act 2006 makes possession or dissemination of 'terrorist' publications a criminal offence. In addition, under the Terrorism Act 2000 collecting or making 'a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism' is an offence. This legal context has implications for academic freedom and has in the past resulted in staff and student arrests (Miller, Mills, & Harkins, 2011).

Secret research

The use of the Official Secrets Act in an academic setting or routine processes of confidentiality and secrecy, opens up the possibility for secret or covert research. We refer under this rubric to research conducted by or for military or intelligence agencies. While the UK, like other states, maintains secret research laboratories such as Porton Down in the South West of England, which has been the subject of some research (Schmidt, 2015), we focus here on the interface of this 'in-house' research with civilian academics, either in terms of secondments to official organisations or in terms of academic research being funded by governmental agencies. This work can be secret in the sense that it is (1) Not openly disclosed by the funding agency or the university/academic(s) involved; or (2) The research process itself, including the publication processes, is subject to controls, restrictions and/or direct interference by government agencies.

Loch Johnson (1989), in his study of the CIA's relationship with academics, argues that there should be no place for covert research in the academy. During the Cold War, the CIA developed relationships with academics through consultancies, scholars-in residence programmes and research contracts. However, this relationship ran into a number of conflicts, partly as a result of political scrutiny and public criticisms of the CIA's activities, but also as

a result of student and academic pushback against encroachments into universities (Johnson, 1989, pp. 176–180). The CIA then issued guidelines for its relations with academics that allowed classified information to be published, subject to review by the Agency. The guidelines, however, did not offer safeguards against academics being drawn into covert research or activities (Johnson, 1989, p. 180). At the time, the CIA required that academics in receipt of funds should not publicly acknowledge their relationship with the agency. Scholars such as Samuel Huntington thus produced articles in academic journals such as *International Security* (in 1985), which unbeknown to readers were connected to CIA funding (Johnson, 1989). Though such deceptions are now widely regarded as unethical, it is an open question how extensive they now are. In the next sections, we examine several examples of secret/covert research, including research sponsored by the UK defence establishment; research to improve government deception activities; and a research centre funded by UK intelligence agencies in which secrecy legislation is invoked as a condition of the funding. We point to the inherent dangers of this, as well as examining consequent dangers of scholars endorsing, legitimating or enhancing coercive or deceptive governmental activities. We focus on coercive and deceptive activities in state-sponsored research on ‘terrorism’ because both activities undermine democratic debate and decision-making; coercion by removing choice and volition, and deception by manipulating the information environment in which citizens make political judgements.

The Defence Science and Technology Laboratory

Defence-related research in the UK is not routinely made publicly available. The UK defence establishment has a ‘central repository’, known as ‘Athena’, that is operated by the Defence Science and Technology Laboratory (DSTL), an executive agency of the Ministry of Defence (MoD) created in 2001. Athena ‘stores MOD-sponsored scientific and technical research reports, which are available to the wider defence and security community (including government, industry and academia) in accordance with security, legal and commercial conditions’ (DSTL, 2016). ‘Wherever possible’, the agency notes, ‘we aim to publish the results of our work in open peer-reviewed literature’. This is an indirect way of saying that the MoD and DSTL do not routinely publish the names of the researchers or universities they fund, nor even the titles of research. Athena does, however, publish a bulletin called *Defence Reporter* that provides only ‘unclassified’ bibliographic information of ‘research reports recently added to the Athena report collection’. An examination of these two outputs (Athena and *Defence Reporter*) in the context of what is known about the social scientific and behavioural research carried out by DSTL shows the very conditional sense in which the research base can even be known about, far less examined and tested scientifically.

In order to appreciate the professional and ethical implications of this we need first to review some of what is known about the work done at DSTL, focusing especially on behavioural research on ‘influence’. Work on ‘influence’, information operations and the like has been conducted at DSTL since its creation in 2001, and was a significant element of the work of its predecessor agency, the Defence Evaluation Research Agency (Miller & Mills, 2010). In its 2001 *Annual Report*, Information Operations was listed as one of seven areas headed by ‘Technical Capability Leaders’ reporting to the main Board, and in 2010

it listed Information Operations as part of the capabilities of its 'security science' department (Powerbase, 2013).

In 2011, the Cyber and Influence Science and Technology Centre at DSTL launched a research call on 'Innovative Solutions to Protect and Secure UK Interests in Cyberspace'. One of the three themes was 'Influence Through Cyber', which included: cyber-Influence, on-line / off-line behaviours, social media monitoring and analysis, cyber-ethnography or 'netnography', and novel approaches to dynamics of personality, leadership, trust and emotion in on-line settings (CDE & DSTL, 2011). More recently the involvement of DSTL in research on social media has attracted press commentary:

The MoD's Defence Science and Technology Laboratory (DSTL) pays six-figure sums to support individual PhD students to help understand the rapidly evolving world of cyberspace and the way in which social media have become an integral part of daily life.

While some of the PhD projects in the £10 m programme have conventional military applications – such as researching technology to support underwater drones, and the development of clothing with fully embedded electronics – £97,487 of funding for research at King's College London into 'the rise of the digital insurgency' is typical of the new direction. (Quinn, 2014, January 7)

We have highlighted this strand of the work since there are strong ethical issues involved in social scientists' engagement with government communications and 'influence' work, but also to examine the extent to which the outcomes of this research is publicised, or even acknowledged, by government.

Going back to the two publications of Athena, the first is a list of published outputs funded by DSTL. The latest available lists 370 publications covering the period from 2011 to 2016 (DSTL, 2016). In the main, these are publications from the natural sciences (physics, chemistry, biology and their subfields) and engineering (and its subfields). There are more than 40 journals with the word 'science' in the title, more than 30 in journals with the word 'microbiology' in the title and more than 20 in journals with either 'engineering' or 'chemistry/chemical' in the title. There are no articles in sociology or political science journals. There are three in journals with 'psych' in the title and one article on 'horizon scanning' in public policy. None of these articles were on influence or behavioural research. There was one on information operations, which did not report any findings, being simply a review article (Verrall & Clay, 2016). In other words, there is little disclosure on the public record by DSTL of its significant work on propaganda and 'influence'. DSTL involvement in research in this area is a matter of public record, but neither the scope nor the details of the particular projects are available from the agency, or indeed in any easily accessible way from the CV's or university repositories of the researchers involved.

The Athena database of research reports is distributed in two ways. As noted above, there is the *Defence Reporter*, which provides unclassified bibliographic information of research reports recently added to the database. Then there is a 'classified' email alert, which is only available to 'people who have access to MOD's intranet'. In addition, the full text of reports listed in the Athena database can be requested 'by completing a "Need to know" form for UK Nationals' or a "'Need to know" form for Foreign Nationals'. Release of the reports is governed by a four part classification system. Unclassified documents are releasable to an unlimited audience, whereas with 'protectively marked' reports,

the 'Report Request Team' will 'release the report if the requester has appropriate security clearance'. Among those noted as potentially receiving such reports are 'industry' and 'academia'. The other two categories are for classified documents which may be 'only releasable to MoD or government' or which have 'no/ambiguous' release statement. In both cases, the team will 'contact the individual responsible for the report's release'. The report 'will only be released if that individual approves' (MOD & DSTL, 2016).

The problem with such secret research is that it cannot be properly tested by others since none of the data from the research is available. In addition, given this secrecy it is not always clear what material role has been played by the funding body in study design, data collection and analysis, or in the production of publications.

In what follows, we provide another example of secret defence-related research that highlights the involvement of social scientists in activities involving deception. We argue that this is problematic since it undermines the democratic principle of informed consent of citizens who may be misled by deceptive information emanating from government.

JTRIG and covert manipulation and propaganda

A series of documents provided by GCHQ to the NSA as part of the 'Five Eyes Alliance' of Anglophone intelligence agencies revealed the existence of a hitherto secret British propaganda unit called the Joint Threat Research Intelligence Group (JTRIG), operating within GCHQ with a staff of 150+ in 2013 (GCHQ, 2014). According to the documents, 'which come from presentations prepped in 2010 and 2012 for NSA cyber spy conferences, the agency's goal was to "destroy, deny, degrade [and] disrupt" enemies by "discrediting" them, planting misinformation and shutting down their communications' (Cole, Mark Schone, & Greenwald, 2014). The documents describe 'Effects' campaigns that are

broadly divided into two categories: cyber attacks and propaganda operations. The propaganda campaigns use deception, mass messaging and 'pushing stories' via Twitter, Flickr, Facebook and YouTube. JTRIG also uses 'false flag' operations, in which British agents carry out online actions that are designed to look like they were performed by one of Britain's adversaries. (Cole et al., 2014)

As journalist Glenn Greenwald (2014) has noted, the documents show that JTRIG adopts two main tactics: '(1) to inject all sorts of false material onto the internet in order to destroy the reputation of its targets; and (2) to use social sciences and other techniques to manipulate online discourse and activism to generate outcomes it considers desirable'. The documents also make it clear that the target of such tactics are not just 'terrorists' or hostile foreign powers, but also political activists and those not charged with any crime or offence. The documents also show that the agency was working with a bewildering variety of government departments in the UK, including on issues such as radicalisation with the Department for Children, Schools and Families.

One key document giving the most detailed account of the activities of JTRIG was produced in 2011 by a psychologist, Mandeep Dhimi, who worked at DSTL for fifteen months, including a period on secondment to GCHQ. In the document, (Dhimi, 2011a, 2011b), who at the time also worked at the University of Cambridge, provided JTRIG

with advice to help improve the unit's performance and effectiveness. The paper, Fishman (2015) writes:

notes that the unit's own staff characterize their work using 'terms such as "discredit", promote "distrust," "dissuade," "deceive," "disrupt," "delay," "deny," "denigrate/degrade," and "deter".' The unit's targets go beyond terrorists and foreign militaries and include groups considered 'domestic extremist[s],' criminals, online 'hacktivists,' and even 'entire countries'.

Some psychologists raised questions about involvement in this work, not only in relation to research subjects or in terms of openness and honesty in reporting findings, but in terms of the ethical issues in facilitating deceptive and manipulative activities by government (Fishman, 2015).

It can, of course, be argued that deception and influence activities by government are the lesser evil when placed beside the coercive 'kinetic' activities of western military power, such as torture and killing. Indeed, Dhami (2011b) has made this argument herself:

The harm that may be caused by remaining detached from such campaigns, perhaps because of the element of deception and invasion of privacy involved, may far outweigh the benefits of striving for the welfare and rights of the campaign targets. Indeed, the perceived success of military social influence may reduce the requirement for the use of kinetic force. As stakeholders, it is our obligation to monitor the application of our science in order to minimize or avoid the above risks.

The conditional 'may', used twice, when set beside the absence of any evidence of benevolent effect, is instructive. Given this, and the fact that the work Dhami did at DSTL had applications outside military conflict in peace time and domestic politics, there is arguably a question of potential violations of the principles of the British Psychological Society, in which psychologists are enjoined to 'support beneficial outcomes ... that not only support and reflect respect for the dignity and integrity of persons (both individually and collectively) but also contribute to the "common good"' (BPS, 2014, p. 11). Psychologists are also told they 'should consider all research from the standpoint of the research participants, and any other persons, groups or communities who may be potentially affected by the research, with the aim of avoiding potential risks to psychological well-being, mental health, personal values, the invasion of privacy or dignity' (BPS, 2014, p. 11). The argument made by Dhami is essentially that researchers should engage in potentially harmful research in the hope that greater harms might thereby be averted. This is undergirded by the wildly improbable belief that academic researchers are in a position to effectively 'monitor the application' of research by defence or intelligence agencies.

The questions of transparency, and possibly deception, are underscored here by the fact that the journal in which this article (Dhami, 2011b) appeared is a member of the Committee on Publication Ethics (COPE & OASPA, 2017), which in 2011, mandated that journals should publish 'relevant competing interests for all contributors and publishing corrections if competing interests are revealed after publication' (COPE, 2011, p. 3).

Centre for Research and Evidence on Security Threats (CREST)

Another major hub for security collaborations in UK academia is the Centre for Research and Evidence on Security Threats (CREST), based at the University of Lancaster. CREST

was set up following a public call for proposals from the Economic and Social Research Council for a research hub aimed at ‘understanding, countering and mitigating security threats’ (ESRC, 2015b). Up to £5 million was offered to the successful proposal, but unusually the money came not from ESRC funds but directly from the ‘UK security and intelligence agencies’.

Prior to the public call, the ESRC had run an invite only meeting in central London in January 2015 to consult on the initiative – at which one of the authors (DM) was present.¹ One outcome of that meeting was that the initial plans to have the intelligence agencies contract directly with the winning university were shelved, with the ESRC instead formally contracted with the winning team. An early indication at the meeting of the ethically murky waters in which such initiatives swim was the attendance list. While giving the institutional affiliations of all the academics present, it also listed several people for whom no affiliations were given, and in some cases only a first name and initial of the surname were given. After a number of queries (from DM) it was confirmed by a government official present that the attendees without affiliations (or surnames) were all serving intelligence operatives. Among the suggestions given at the meeting for embedding intelligence personnel in the initiative was the secondment of operatives into universities, which one of the intelligence personnel present suggested might be covert. It is the fact that these agencies are engaged in covert action, and operate under a veil of secrecy, that makes it difficult to ascertain whether or not such arrangements have since come to pass.

The ‘contract award letter conditions’ (CREST, 2015) set out the terms and conditions of the award including details of publishing rules and relationship with the research sponsor(s). It also states that researchers may be required to sign the Official Secrets Act, referring to the main recipient of the award as ‘the hub’.

The Hub is expected to cooperate with UK Security and Intelligence Agencies in making appropriate security arrangements for any work involving classified information. In the event that classified information is involved in any work done by the Hub, the Hub understands and acknowledges that special arrangements will be agreed directly with the UK Security and Intelligence Agency concerned to ensure that the information is properly safeguarded. If the work of the Hub, or any of the Academic Partners, requires them to have access to sensitive or confidential information, core staff may be required to sign the Official Secrets Act and a confidentiality agreement, and may be asked to apply for security clearance.

We have explained above the various ethical problems arising from academics signing the Official Secrets Act. In addition, the letter states that all CREST funded publications are subject to review by the Security and Intelligence Agencies’ nominated contact ‘prior to their submission for publication’. Academics are asked to ‘make amendments’ if it is decided they breach the Official Secrets Act, any confidentiality agreement, or are deemed to have a ‘detrimental impact to national security’. Academics ‘will not proceed with the publication unless and until Agencies’ nominated point of contact confirms that its concerns have been addressed’.

This process seems quite likely to mean that CREST sponsored research publications will have key omissions in data, analysis or argumentation. It could be argued that these risks can be mitigated by full disclosure of any such issues in CREST related publication. To evaluate this perspective we examined all the ‘journal’ publications from CREST from its foundation in 2015 until late 2018, as claimed and listed in its September 2018 Catalogue (CREST, 2018). We looked for evidence of disclosure of the ultimate main funding source,

conflict of interest declarations, author contribution disclosures and whether the journal in question was a member of the committee on Publication Ethics, which mandates such disclosures in all member journals. Of the 31 articles, we were able to access 27. None of them admitted to having even a potential conflict of interest, with only a handful (five) giving any statement at all, which in every case was that there was variously no 'potential', 'competing' or actual conflict of interest. In biographical affiliations, despite the articles all being promoted by CREST as related to their activities, only seven mentioned CREST. To be fair, twelve of the papers noted a source of funding. However, eleven specified that the funder was the ESRC, which is less than a full disclosure. None mentioned that the funding came from the security and intelligence agencies. Though five of the articles mentioned the role of the various authors in the preparation of the manuscript, the other 22 did not and none of the 27 mentioned the interesting role that the intelligence agencies reportedly play in the vetting of manuscripts prior to publication. We should note that there were two articles in which the fact that CREST was funded by intelligence agencies was mentioned in biographical notes, as opposed to in a conflict of interest disclosure.

This pattern of omission and obfuscation is dishonest and contrary to the policies of the Committee of Publication Ethics of which almost all the journals concerned are members. All of this undermines the process of review and evaluation central to a rigorous academic process as well as contaminating the evidence base, since there are no means to determine what covert influence there has been on the published contents and the casual reader would not be aware of the role of the intelligence agencies in the funding and review of the manuscripts.

The letter of award also stipulates that: since the UK Security and Intelligence Agencies are exempt from the Freedom of Information Act that 'the exemption will apply to any information (including Confidential Information) disclosed by the Agencies to the Hub'. The Hub is required to agree 'that it will not respond directly ... but will inform Agencies' ... and will comply with any reasonable instructions' from the Agencies' in responding to any such disclosure request.

These provisions, like secret research, compromise the whole academic community by producing a 'biased universe of research findings with little chance of assessing either the direction or the extent of such bias' (Lee, 1995, p. 35). As Adler and Adler (1993) have argued: 'The community of scholars loses when we are duped, deceived or misled by the transformation or omission of relevant data' (Adler & Adler, 1993). It also hinders methodological openness. The absence of methodological detail undermines prospects for further research in the area, or the ability to make evaluations on the existing research findings. Such difficulties are exacerbated by failures to properly disclose funding from the intelligence agencies in publications and a structural lack of clarity on the extent to which research findings have been managed or manipulated by the state.

The American Psychological Association and the CIA torture scandal

The example of the involvement of the American Psychological Association (APA) in the development and implementation of the CIA enhanced interrogation programme reminds us of the ethical issues raised by collaboration with state agencies engaged in coercive activities. The example demonstrates the role of a professional association ethics team in covering up human rights abuses carried out by psychologists working

for the CIA. In December 2014, the Senate Intelligence Committee published a 499 page executive summary of the *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*. While the full 6,000-page report remains classified and the executive summary is highly redacted, the latter does provide extraordinary detail of the inhumane conditions in which detainees were held and the abuse to which they were subjected. US Department of Justice memos to the CIA stated that, providing there was no intention to cause pain, 'cruel, inhuman and degrading' treatment did not constitute torture. However, the report also shows that even these approved techniques were used in unapproved ways, such as drowning to the point of unconsciousness. It also documents a range of other torture techniques used such as mock executions and burials, forced feeding through the rectum, and the use of ice baths to induce hypothermia (The Rendition Project, 2015).

The scandal began in the aftermath of September 11th when CIA director of behavioural research and APA member, Kirk Hubbard, commissioned two ex-military psychologists, James Mitchell and Bruce Jessen, to deliver a report on 'countermeasures to al-Qaeda resistance to interrogation techniques'. Drawing on their experience in Survival, Evasion and Resistance (SERE) – techniques used to train US special forces to endure harsh conditions of captivity – they produced a report which reverse engineered SERE principles as the basis of the CIA 'enhanced interrogation' programme. Their report relied on an arguably erroneous interpretation of Martin Seligman's research on fear conditioning – a project that involved shocking dogs into a 'learned helplessness'. Mitchell and Jessen proposed that a model of 'learned helplessness' could be used to induce detainees to cooperate and provide useful intelligence. These so-called enhanced interrogation techniques involved waterboarding (near drowning), sleep deprivation, stress positions and confinement in small boxes.

The APA response to this was, as a later independent report (Hoffman, 2015) showed, to collaborate secretly with the Department of Defense and others to facilitate the involvement of psychologists in torture. First Stephen Behnke – the APA ethics chief – relaxed APA ethics rules in 2002, allowing psychologists to rely on the Nuremberg defence, that they were only following orders: 'If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority' (cited in APA, 2017).

The Red Cross's first reports of torture in CIA facilities in February 2005 led to the creation of Task Force on Psychological Ethics and National Security (PENS), established by the APA's Board of Directors. Six of the ten members of the Task Force had links with intelligence or defense (Risen, 2014, p. 64). It issued a statement, which was then adopted as policy in June 2005. This allowed psychologists 'to serve in consultative roles to interrogation- or information-gathering processes for national security-related purposes' (American Psychological Association, 2005). This 'entails a delicate balance of ethical considerations', but 'puts psychologists in a unique position to assist in ensuring that such processes are safe and ethical for all participants' (American Psychological Association, 2005). In 2015, the independent investigation, led by the lawyer David Hoffman examined this issue, focusing in particular on the circumstances of the PENS Task force meeting that led to the policy adopted by the APA in June 2005. Hoffmann concluded

that in 2005 the Pentagon secretly colluded with key members of the APA to issue ethical guidelines that would allow psychologists to continue to engage in harsh and abusive interrogation techniques.

In this example too, those involved in working with the state were keen to use the lesser evil argument. Mitchell justified the torture he had facilitated by arguing: 'It's a lot more humane, even if you are going to subject them to harsh techniques, to question them while they are still alive, than it is to kill them and their children and their neighbors with a drone' (Associated Press and Dilanian, 2014).

Such views may be sincerely held, but in the realpolitik of torture, as James Risen, who first exposed the role of the APA noted, 'the involvement of health professionals ... enabled the Justice Department to argue in secret opinions that the program was legal and did not constitute torture, since the interrogations were being monitored by health professionals to make sure they were safe' (Risen, 2015).

Although Mitchell and Jessen were psychologists working for the CIA and not an academic institution, the APA scandal raises an important issue. Here we saw a disciplinary organisation – with leadership capacity and influence over university practices – playing a key role in covering up human rights abuses.

CREST and lessons to be learned from the APA scandal

One of CREST's five main research programmes is 'eliciting information'. This is also the theme of the first edition of CREST's magazine, the *CREST Security Review* (CSR), which focuses on how social science can contribute to encouraging people to provide useful information in interrogation settings. Given the sensitivity of academics facilitating military or intelligence interrogations, especially in the context of the APA scandal, one would expect any academic publication addressing this issue to include at least some discussion of ethics. Yet there is no mention of ethical issues at all. Nor is there any acknowledgement of the substantial body of evidence that demonstrates the involvement of British security and intelligence agencies in torture, and in particular their role in the CIA's Rendition, Detention and Interrogation (Jardini, 2013) programme. This evidence suggests both direct and indirect involvement in torture. Indirect involvement has included facilitating rendition (by offering direct support for capture and transfer to secret locations); enabling torture in interrogation (by providing intelligence used in interrogations as well as sending questions to the CIA to be used in interrogations); using information derived from torture in interrogations; or participating in the interrogations, yet leaving the room while torture occurs, then returning to ask a question (Blakeley & Raphael, 2017; Cobain, 2013).

In fact, there is only one mention of 'enhanced interrogation' in the whole issue of *Crest Security Review* 1, when CREST director Paul Taylor (2016) makes the case for 'The Promise of Social Science' in providing answers to security challenges, and in particular helping to move beyond traditional methods of 'enhanced interrogation'. The issue also includes an article written by Dr. Robert A. Fein (2016) – one of the six members of the PENS taskforce who had links to military and intelligence and who helped facilitate the APA in covering up their role in CIA torture. This salient fact is not mentioned.

Ethical issues surrounding interrogation in national security and military situations should not be treated lightly. But the secrecy surrounding research at CREST raises further concerns. Without full knowledge of the nature of research taking place there,

and the application of techniques developed in their ‘eliciting information’ programme, it becomes difficult to assess whether research is complying with appropriate ethical standards. In the UK, the British Psychological Society (BPS) (British Psychological Society, 2005) issued a declaration against torture in 2005. Following the US Senate report on torture it issued a further statement which referred back to the 2005 declaration and added a passage not in the original on ‘the overriding ethical responsibility of all psychologists and other healthcare professionals to protect and defend fundamental human rights’ (BPS, 2014). The BPS has not issued any further statement reflecting on the ethical issues posed by the 2015 Hoffman report to clarify their ethical stance on the issue of psychologists facilitating military or intelligence interrogations. One lesson that can be learned from the APA torture scandal in light of the Hoffman report is that ethical codes need absolute clarity on what sorts of actions are *not* permissible, as well subsequent sanctions that could follow if such ethics codes are broken. Following the scandal, the APA revised their statement (2013; amended 2015) to address this, including an important statement on how to deal with the issue of ethics when this conflicted with the law. Rather than allow a ‘Nuremberg defence’, the statement declares that:

If the APA Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If psychologists’ ethical responsibilities conflict with law, regulations or other governing legal authority or organizational demands, psychologists make known their commitment to this Ethics Code, and take reasonable steps to resolve the conflict in a responsible manner in keeping with basic principles of human rights. (American Psychological Association, 2015)

This standard offers a useful model for the ethical dilemmas emerging in the field of research on ‘terrorism’ and ‘extremism’. We discuss in more detail ways in which such principles could be followed and practiced in the final section.

Recommendations

Fuller (1988) argues that in order to address the issues of access and secrecy, a collective response is needed to address the issue of ‘forbidden research terrains’. In the following discussion, we outline a series of principles and practices that we believe would help strengthen ethical procedures and safeguards in the field of political violence and ‘terrorism’.

As Adam Hedgecoe (2016) has pointed out, UK university Research Ethics Committees (RECs) are limited in their capacity to deal with research dilemmas surrounding ‘controversial issues’. Hedgecoe (2016) argues, with reference to examples from the University of Nottingham and Bath Spa, that these committees are increasingly being used by management as ‘mechanisms for internal discipline’ (Hedgecoe, 2016, p. 486) and tend to prioritise the reputational protection of the university rather than researchers, and to neglect the defence of academic freedom. He argues that in this context academics may therefore tend to shy away from controversial research that may ‘embarrass the institution’ (Hedgecoe, 2016, p. 495). We think he makes a valid point, although recognise that more research is needed to establish the ways in which Research Ethics Committees deal with ‘controversial’ topics and how they relate to internal discipline procedures. We certainly agree with his overall argument that instead of narrowly

focusing on institutional reputational protection, RECs need to take more seriously the protection of researchers, especially those studying powerful groups. Though there is very little guidance on this from the professional associations or the research councils, as noted above there are multiple dangers encountered by researchers – including physical, emotional, reputational/professional and ethical – that arise when researching the actions of powerful groups in situations related to political violence (Sluka, 2012, 2018). Such dangers, as we have outlined here, can include pressures to amend or edit work (Hutcheon, 2015; Sluka, 2012), as well as legal interventions by the state authorities or law enforcement agencies. Too often, the analysis of researcher safety neglects to address the fact that it is often the authorities rather than research participants that can pose the greatest threat. The case of the ESRC study on the Irish dissidents (discussed by Hayes in this issue) demonstrates the reputational and professional damage that can result from involvement in unethical research. In this case two of the researchers (Kevin Bean and Marissa McGlinchey) were unaware of the compromises being made by the project's principal investigator, yet their reputations were put at stake, creating potential difficulties for them to carry out further research in the field.

In order to avoid a narrow focus on institutional reputational management, Hedgecoe proposes that university management (e.g. Deans, Pro Vice Chancellors) should have no roles within the RECs. We would add that such committees, as well as professional codes of ethics, should be updated to address a much wider range of ethical concerns. These would need to include issues of publication, research sponsorship and censorship; including how to navigate legal issues of confidentiality, forced disclosure, copyright, secrecy and academic freedom. In order to protect public trust in academic research, we also need to consider ethical principles to manage potential conflicts of interest arising from research sponsorships and funding. Any research collaboration with the security state would have to be subject to particularly stringent safeguards. In some cases RECs should offer researchers access to independent legal advice in the research design stage of the research process. In the case of the Boston College Tapes fiasco, Palys and Lowman (2012) have argued that legal advice prior to the design of the study may have helped researchers to resist forced disclosure and enabled them to protect participant confidentiality.

RECs, of course, have to operate under draconian counter-terrorism laws. Yet at the same time, universities have a set of other legal duties that can offer a framework of rights and protections (such as the case of academic freedom in Education Reform Act 1988 and Human Rights Act 1998). Such a framework of rights should be made more central to the focus of RECs. As Burawoy (2011) argues, the survival of the university depends on reflexive knowledge, which requires a 'collective conscience' to 'counter the policy definitions of knowledge and elaborate the longer term interests of building the society in the university and the university in society' (Burawoy, 2011) This would require greater transparency and some level of democratisation of ethics committees – giving academic staff beyond those involved in institutional committees input and oversight over policies and decision-making. This could be facilitated by creating requirements for at least some members of RECs to be elected and for trade union representation to be added to the committees. This in turn might encourage campus trade unions to become more involved in these issues.

Conclusion

To conclude, we have shown the importance of scrutinising the role of the state in order to gain a fuller understanding of the range of ethical dilemmas that arise in the field of ‘terrorism’ research. State interventions in this field of research present challenges, sometimes even legal ones, that require us to think about ethical questions in broader terms than current practice dictates. This may mean, in some cases, as the APA torture scandal has shown, that our ethical guidelines need to operate at a higher standard than the law, guided at all times by core principles of academic freedom and human rights. Yet as we have shown in this article, the independence of academic research, from an ethical point of view, is not only a question of morality and justice, but it is essential to maintain academic autonomy in order to protect the scientific integrity and evidence base of research.

Note

1. Assertions of fact are based on first hand observation at the meeting, discussions with ESRC personnel and others present, and a copy of the attendance list.

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